(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 572 OF 2003.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. R.G. Ramani, Advocate for the Petitioners.

Mr. Anthony D'Silva, Advocate for the Respondents No.1 to 9.

Mr. S.D. Padiyar, Advocate for the Respondent No.13.

CORAM : N.N. MHATRE, J.

DATE : 8TH JANUARY, 2004.

P.C.:

The impugned Order dated 26th September, 2003 disallows the adjournment sought by the Petitioners on the ground that the witness who was to be examined on that day was ill and therefore unable to present himself before the Court for deposing on behalf of the Plaintiffs. The second Order which is impugned is dated 10th November, 2003 which again does not grant an adjournment sought by the Plaintiffs on the ground that the Advocate

appearing for the plaintiffs was unable to attend in view of major surgery that he had undergone in a Hospital at Mumbai.

I have heard the Advocates. Although it is true that adjournments ought not to be granted for the asking, in the present case I find that a reasonable request was made by the Petitioners on both 26th September, 2003 and 10th November, 2003 in view of the illness of the witness and Petitioners' Advocate. A strait-jacket formula need not be adopted by the Trial Court. In the present case, the Trial Court has observed that since the matter is of 1989, no adjournments ought to be granted. No reasons have been given why the adjournments sought on account of either the witness's illness or the illness of the Advocate for the Petitioners should not be granted.

Heard Advocates. The impugned

Orders are set aside on payment of costs of Rs.5000/-. The petitioners have already deposited Rs.5000/- as costs in this Court. That be handed over to the respondents No.1 to 9 through their Advocate. I am informed that the matter has now been adjourned to 14th January, 2004. The petitioners shall keep their witness present on that day in Court. No further adjournments will be sought by the Petitioners on any ground.

NISHITA MHATRE, J.

sl.